

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, *et al.*,

4 Plaintiffs,

5 vs.

6 WALKER RIVER IRRIGATION DISTRICT,
7 *et al.*,

8 Defendants.

IN EQUITY NO.C-125

CASE NO.: 3-73-CV-00125-MMD-WGC

**ORDER MODIFYING WALKER RIVER
DECREE TO CONFORM WITH
NEVADA STATE ENGINEER
INSTREAM FLOW WATER RIGHTS
PERMIT NOS. 88160, 88161 AND 88162**

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10 The Walker River Decree is hereby amended in Accordance with Nevada State Engineer
11 instream flow water rights Permit Nos. 88160, 88161 and 88162.

12 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**
13 that the following water rights, or portions thereof, under the Walker River Decree, entered herein
14 on April 15, 1936, as modified April 24, 1940, are hereby amended to reflect changes in the
15 manner of use and place of use from irrigation use to instream flow for wildlife purposes in the
16 Walker River and Walker Lake. This modification does not make any changes to the listed owner
17 of the water rights claims, or any portions thereof, as set forth in the Walker River Decree, even
18 though the ownership of the water rights claims has changed since the entry of this Decree. The
19 portions of the claims that were not modified by Permit Nos. 88160, 88161 and 88162, and which
20 therefore retain their current manner of use, place of use, and point of diversion and are not
21 modified by this Order.

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Claim 66, Grulli, A. and M., Successor to Pacific Livestock Company, portion changed to instream flows for wildlife purposes,

The portion of water right Claim 66 in the first table below shall be administered by the Water Master at the point of non-diversion as set forth in Permit No. 88160 when in priority, as shown in the second column (year of priority) and third column (amount at point of non-diversion) of the table. Thereafter, the Water Master shall administer and protect from diversion by others at and downstream of the point of non-diversion the consumptive use portion, being 3.10 acre-feet per acre, which has been converted to flow measured in cubic feet per second as shown in the fourth column (amount of consumptive use). At the Wabuska Gage, said changed water right shall be administered in the Walker River and Weber Reservoir through the Walker River Paiute Tribe reservation pursuant to the Lower Walker River Conveyance Protocols, all as more fully set forth in Nevada State Engineer Ruling No. 6271, the 2018 Ninth Circuit Decision, and the terms of Permit No. 88160. The non-consumptive use portion of the water rights shall be administered by the Water Master in her or his discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for the Distribution of Water on the Walker River Stream System, including to avoid conflict with and injury to existing water rights at and downstream of the point of non-diversion and to mitigate hydrologic system losses, from the point of non-diversion to the point or points where the non-consumptive use portion historically returned to the Walker River upstream of the Wabuska Gage.

Stream	Year of Relative Priority	Amount at Point of Non- Diversion (in c.f.s.)	Amount of Consumptive Use (in c.f.s.)	No. of Acres Formerly Irrigated	Description of Place of Use
Walker River	1864	0.145	0.077	12.09	Walker River from the Point of Non-Diversion, through USGS Wabuska Gage, then through Weber Reservoir into and including Walker Lake.
	1865	0.058	0.031	4.84	
	1870	0.221	0.117	18.38	
	1875	0.453	0.241	37.73	
	1880	0.608	0.323	50.69	
	1885	0.387	0.205	32.22	
	1890	0.270	0.144	22.54	
	1895	0.180	0.096	14.99	
	1900	0.348	0.185	29.02	
	1905	0.464	0.247	38.70	

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Claim 138, Sciarini, A. and S. and M. D'Andrea, Successors to Pacific Livestock Company, portion changed to instream flows for wildlife purposes,

The portion of water right Claim 138 in the first table below shall be administered by the Water Master at the point of non-diversion as set forth in Permit No. 88161 when in priority, as shown in the second column (year of priority) and third column (amount at point of non-diversion) of the table. Thereafter, the Water Master shall administer and protect from diversion by others at and downstream of the point of non-diversion the consumptive use portion, being 3.10 acre-feet per acre, which has been converted to flow measured in cubic feet per second as shown in the fourth column (amount of consumptive use). At the Wabuska Gage, said changed water right shall be administered in the Walker River and Weber Reservoir through the Walker River Paiute Tribe reservation pursuant to the Lower Walker River Conveyance Protocols, all as more fully set forth in Nevada State Engineer Ruling No. 6271, the 2018 Ninth Circuit Decision and the terms of Permit No. 88161. The non-consumptive use portion of the water rights shall be administered by the Water Master in her or his discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for the Distribution of Water on the Walker River Stream System, including to avoid conflict with and injury to existing water rights at and downstream of the point of non-diversion and to mitigate hydrologic system losses, from the point of non-diversion to the point or points where the non-consumptive use portion historically returned to the Walker River upstream of the Wabuska Gage.

Stream	Year of Relative Priority	Amount at Point of Non-Diversion (in c.f.s.)	Amount of Consumptive Use (in c.f.s.)	No. of Acres Formerly Irrigated	Description of Place of Use
Walker River	1864	0.429	0.228	35.79	Walker River from the Point of Non-Diversion, through USGS Wabuska Gage, then through Weber Reservoir into and including Walker Lake.
	1865	0.170	0.090	14.15	
	1870	0.651	0.346	54.27	
	1875	1.336	0.710	111.30	
	1880	1.796	0.955	149.69	
	1885	1.141	0.606	95.06	
	1890	0.798	0.424	66.54	
	1895	0.531	0.282	44.25	
	1900	1.029	0.547	85.73	
	1905	1.369	0.727	114.06	

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Claim 145, Silva, A.B., Successor to Pacific Livestock Company, portion changed to instream flows for wildlife purposes,

The entirety of water right Claim 145 shall be administered by the Water Master at the point of non-diversion as set forth in Permit No. 88162 when in priority, as shown in the second column (year of priority) and third column (amount at point of non-diversion) of the table below.

Thereafter, the Water Master shall administer and protect from diversion by others at and downstream of the point of non-diversion the consumptive use portion, being 3.10 acre-feet per acre, which has been converted to flow measured in cubic feet per second as shown in the fourth column (amount of consumptive use) of the table below. At the Wabuska Gage, said changed water right shall be administered in the Walker River and Weber Reservoir through the Walker River Paiute Tribe reservation pursuant to the Lower Walker River Conveyance Protocols, all as more fully set forth in Nevada State Engineer Ruling No. 6271, the 2018 Ninth Circuit Decision and the terms of Permit No. 88162. The non-consumptive use portion of the water rights shall be administered by the Water Master in her or his discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for the Distribution of Water on the Walker River Stream System, including to avoid conflict with and injury to existing water rights at and downstream of the point of non-diversion and to mitigate hydrologic system losses, from the point of non-diversion to the point or points where the non-consumptive use portion historically returned to the Walker River upstream of the Wabuska Gage.

Stream	Year of Relative Priority	Amount at Point of Non-Diversion (in c.f.s.)	Amount of Consumptive Use (in c.f.s.)	No. of Acres Formerly Irrigated	Description of Place of Use
Walker River	1864	0.152	0.083	13.00	Walker River from the Point of Non-Diversion, through USGS Wabuska Gage, then through Weber Reservoir into and including Walker Lake.
	1865	0.061	0.032	5.00	
	1870	0.232	0.121	19.00	
	1875	0.477	0.255	40.00	
	1880	0.640	0.338	53.00	
	1885	0.407	0.217	34.00	
	1890	0.284	0.153	24.00	
	1895	0.190	0.102	16.00	
	1900	0.367	0.198	31.00	
	1905	0.490	0.261	41.00	

IT IS SO ORDERED.

Dated: November 30, 2020



District Court Judge